



1637
PATENT
ATTORNEY DOCKET NO.: 056297-5012-US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Application of:)

Thomas GINGERAS, *et al.*)

Application No.: 09/285,306)

Filed: April 2, 1999)

For: MYCOBACTERIAL RpoB SEQUENCES)

Group Art Unit: 1637

Examiner: J. Siew

MAR 09 2004

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment and Reply to Office Action Under 37 C.F.R. §1.111 in response to the Office Action dated December 3, 2003.

2. Additional Documents Attached:

Copy of Sambrook *et al.*'s Molecular Cloning: A Laboratory Manual,
2nd Ed., p. 9.50

2. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u> | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|---------------------------------------|--------------------------|-------------------------------|
| <input type="checkbox"/> one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> two months | \$ 420.00 | \$ 210.00 |
| <input type="checkbox"/> three months | \$ 950.00 | \$ 475.00 |
| <input type="checkbox"/> four months | \$ 1,480.00 | \$ 740.00 |

Extension of time fee due with this request: \$_____.

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

3. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

4. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED | | | | | | |
|---|---|-------|--------------------------------|------------------|--------------|------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid | Present Extra | at Rate of | Total Fees |
| Total Claims (37 C.F.R. §1.16(c)) | 19 | minus | 20 | 0 | x \$18 each= | + \$ |
| Independent Claims (37 C.F.R. §1.16(b)) | 7 | minus | 6 | 1 | x \$86 each= | + \$86 |
| [] First presentation of Multiple dependent claim(s) | | | | | \$290.00 | + \$ |
| SUB-TOTAL = | | | | | | \$86 |
| Reduction by ½ for filing by a small entity | | | | | | - \$ |
| TOTAL FEE = | | | | | | \$86 |

5. Fee Payment


- ☐ No fee is to be paid at this time.
- ☒ Charge Deposit Account No. 50-0310 in the amount of **\$86.00** for additional independent claim.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: March 3, 2004

By:


Bonnie Weiss McLeod
Reg. No. 43,255

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MAIL STOP NON-FEE AMENDMENT

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AMENDMENT AND REPLY TO OFFICE ACTION
UNDER 37 C.F.R. § 1.111

This amendment is filed in response to the Office Action mailed December 3, 2003, the period for response to which extends through March 3, 2004. Please amend the above-identified application as follows:

03/05/2004 MMEKONEN 00000133 500310 09285306
01 FC:1201 86.00 DA